REMARKS

In the outstanding Office Action, claims 15-17 and 19-24 have been rejected under 35 U.S.C. §112, second paragraph, on the basis that the phrase "binary alphanumeric code" is unclear. Applicants respectfully submit that this rejection has been obviated by the amendment above to claims 15, 21, 22 and 24. The binary code intended by the present invention is illustrated on page 33 of the specification as filed, and Applicants submit that the term is clearly understood by those of ordinary skill in the art.

Claims 15, 19-21 and 23 have been rejected under 35 U.S.C. §102(a) as anticipated by Hodgson et al., PCT application WO 98/38326. Applicants submit that this rejection has been obviated by the amendment above to claim 15, in which the limitations of claims 16 and 17, which were excluded from this ground of rejection, were incorporated onto claim 15. As the other rejected claims all refer directly or indirectly back to claim 15, these new limitations also serve as a basis for distinguishing these claims over the cited reference.

Claim 21 has been rejected under 35 U.S.C. §102(e) as anticipated by Bancroft et al., U.S. Patent 6,312,911. In view of the amendments to claim 15, the nucleic acid molecule of claim 22 is characterized in that it comprises a plurality of double-

stranded nucleic acid fragments which consist of between 8 and 25 bases and comprise at least one sequence of bases that is between 4 and 10 bases long and represents a unit of binary code. The Bancroft et al. reference does not teach or suggest such a nucleic acid molecule.

Claim 22 has been rejected under 35 U.S.C. §102(b) as anticipated by Tyagi et al., *Nature Biotechnology* 16:49-53 (1998). The examiner asserted that the reference teaches a method of identifying a binary alphanumeric code unit contained within a double-stranded nucleic acid molecule. Applicants respectfully submit, however, that the reference does not teach or suggest a method of identifying a code unit within a nucleic acid molecule that has the characteristics of the nucleic acid molecule of claim 22, namely, a nucleic acid molecule which comprises a plurality of double-stranded nucleic acid fragments which consist of between 8 and 25 bases and comprise at least one sequence of bases that is between 4 and 10 bases long and represents a unit of binary code.

Claim 24 has been rejected under 35 U.S.C. §103(a) as obvious over Hodgson et al., PCT application WO/98/38326 in view of the Stratagene Catalog (1988). The examiner asserted that from the references it would have been obvious to modify the teachings of the primary reference with the teachings of the

secondary reference such that the reagents necessary to perform the method taught by the primary reference would be placed in a kit format. This rejection is traversed.

As discussed above, Hodgson et al., the primary reference, does not teach or suggest a method for synthesizing a double stranded nucleic acid comprising the specific characteristics of the nucleic acid of claim 15 as currently amended. Specifically, the reference does not teach or suggest hybridizing a plurality of double-stranded nucleic acid fragments of between 8 and 25 bases, each of which comprises at least one sequence of between 4 and 10 bases that represent a unit of the binary code of interest. The secondary reference does not compensate for the deficiencies of the primary reference. As the reference, taken individually or in combination, do not suggest specific features of the claimed invention, the subject matter of claim 24 is not rendered obvious by the cited references.

Applicants respectfully submit that in view of the amendments to the claims and the remarks set forth above that the claims of this application are in condition for allowance.

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